

**REMARKS/ARGUMENTS**

Claims 1-27 are pending in the application. By this Amendment, claims 1, 4, 6, 8, 11 and 19 are amended, and claims 20-27 are added. Support for the new claims can be found throughout the originally filed specification and drawings. Reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following remarks is respectfully requested.

**THE ELECTION REQUIREMENT**

In the Election Requirement dated May 20, 2005, Applicant was required to elect one of six species, which corresponded to Figs. 1-6 of the present application. In a Reply filed June 9, 2005, Applicants provisionally elected the species corresponding to Fig. 1, with traverse.

Applicant notes that the Examiner has withdrawn the Election Requirement to the extent it includes Fig. 5. The Examiner also withdrew claims 8, 11-14, and 17 from further consideration as directed to a non-elected species.

For reasons more fully described below, it is respectfully submitted that claim 1 of the application is allowable and is generic to all of the identified species. If claim 1 is found allowable, the Examiner is requested to rejoin and examine withdrawn claims 8, 11-14 and 17.

**THE CLAIMS ARE ALLOWABLE OVER ANDROSKI**

The Office Action rejects claims 1-5, 15, 16, 18 and 19 under 35 USC §102(b) over Androski (U.S. Patent No. 4,149,746). Because Androski fails to disclose or suggest all the features of these claims, the rejection is respectfully traversed.

Claim 1 recites a release hook for selectively releasing a load supported on the hook. Claim 1 recites a hook, a pad-eye for connecting the hook to a crane, and a separate ejector lever that is coupled to the hook and that is configured to release the load from the hook upon actuation of the ejector lever. Claim 1 further recites that actuation of the ejector lever is provided by a motor and gearing means located adjacent the ejector level which moves the ejector towards the pad-eye to eject the load.

Androski discloses a remote control safety hook assembly which can be used in connection with a crane. As shown in Figs. 7 and 8, the assembly includes a hook 10 which is connected through various elements to an electric motor 28. Fig. 7 shows the hook 10 in a closed position, which would allow a load to be supported upon the hook. When the motor 28 is actuated the hook is rotated to an open position, as shown in Fig. 8. This would release any load which was previously carried by the hook.

As noted above, claim 1 recites both a hook and a separate ejector lever configured to release the load from the hook upon actuation of the ejector lever. As also explained above, Androski does not disclose a mechanism which includes both a hook and a separate ejector lever. Instead, Androski only discloses a hook which pivots or rotates between an open position and a closed position. For at least this reason, it is respectfully submitted that claim 1 is allowable over Androski.

Claims 2-5, 15, 16, 18 and 19 all depend from claim 1 and include the features of claim 1 discussed above. It is respectfully submitted that dependent claims are also allowable over Androski for at least the reasons discussed above in connection with claim 1. In addition, the dependent claims recite additional features which are also not shown or suggested by Androski.

For instance, claim 4 recites that the hook comprises a housing having two interconnected generally 'C' shaped sections with the ejector lever being located at a base of the 'C' between the sections. As shown in the drawings of Androski, the hook assembly of Androski is not comprised of two interconnected generally 'C' shaped sections with an ejector lever being located between the sections. It is respectfully submitted, claims 4 and 5 also allowable for these additional reasons.

In view of the foregoing, withdrawal of the rejection of claims 1-5, 15, 16, 18 and 19 over Androski is respectfully requested.

#### **THE CLAIMS ARE ALLOWABLE OVER DELEST**

The Office Action rejects claims 1, 6, 7, 9 and 10 under 35 USC §102(b) over Delest (U.S. Patent No. 4,017,112). Because Delest fails to disclose or suggest the features of these claims, the rejection is respectfully traversed.

As noted above, claim 1 recites a release hook which includes a hook and a separate ejector lever configured to release the load from the hook upon actuation of the ejector lever.

The device shown in Delest includes first and second jaws 1, 1' which can move between a closed position as shown in Fig. 1, and an open position as shown in Fig. 3. When in the closed position, the two jaws come together to support a load 26. As the jaws move to the open position, the jaws move apart from each other to release the load 26.

The moving jaw arrangement disclosed by Delest does not include a hook, nor does it include a separate an ejector lever which moves upwards towards a pad-eye to eject a load. In fact, because of the way the jaws move together and apart, the type of mechanism shown in the

Delest device cannot be used with loads suspended with flexible wire cables. Instead, the load 26 must comprise a rigid ring or bar of material. If a metal wire was used in the mechanism shown in Delest, the opening of the jaws would actually operate to damage the wire.

Because Delest fails to disclose or suggest a device which includes a hook or a separate ejector lever, it is respectfully submitted that claim 1 is allowable over Delest. Claims 6, 7, 9 and 10 depend from claim 1 and are allowable for at least the same reasons. Accordingly, withdrawal of the rejection of these claims is respectfully requested.

#### **NEW CLAIMS 20-27**

By this Amendment, new claims 20-27 are added to the application. Claims 20-22 depend from claim 1. Claim 23 is a new independent claim, and claims 24-27 depend from new claim 23.

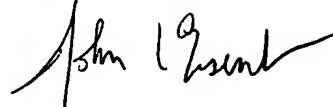
#### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. In addition, because claim 1 is allowable and is generic to all the species, it is respectfully submitted that claims 8, 11-14 and 17 should be rejoined and examined along with the other claims. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP

A handwritten signature in black ink, appearing to read "John C. Eisenhart", written over a horizontal line.

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